DETAILED ACTION

Allowable Subject Matter

1. Claims 1-5, 7-8, 16, & 20 are allowed. The following is an Examiner's statement of reasons for allowance:

Claims 1-5, 7-8, 16, & 20 are considered allowable since no prior art reference or combination of prior art references disclose or suggest the combination of limitations specified in the independent claims including:

"wherein the gateway address translator is configured to provide a virtual bearer function for messaging between said first and second media gateway controllers" in combination with other claim limitations as specified in claim 1.

Claim Objections

2. Claims 7-8, 9, 11-15, 17-19, & 21 are objected to because of the following informalities:

Referring to claims 7 and 8, the examiner objects to the usage of "constituted by" because the meaning of this phrase is totally confusing to the reader. The examiner recommends that the applicant amend the claims as follows:

7. (Currently Amended) The communication network arrangement of claim 1 and wherein at least one of the first media gateway controller or the second media gateway controller is implemented in a distributed architecture in which a first processor performs ingress processing and a second separate processor performs egress processing.

8. (Currently Amended) The communication network arrangement of claim 1 and wherein at least one of the first media gateway controller or the second media gateway controller is implemented as a soft switch. Appropriate correction is required.

Referring to claim 9, claim 9 is objected to because of usage of limitation "for use in a communication network arrangement" because "for use in a communication network arrangement" appears to be an intended use and not a positive claim limitation. Also the examiner objects to multiple times "comprising" is present because the reader has trouble understanding where the preamble ends and the claim limitations begin. Additionally the examiner objects structure in which the claim is written because system claim needs to be rewritten in a form defines the components of the system and the function that each component in the system performs. The examiner suggests the following claim language:

A system comprising:

a first media gateway controller configured to control a first gateway wherein the first media gateway controller is provided with a first operating protocol;

a second media gateway controller configured to control a second gateway, wherein the second media gateway controller is provided with a second and different operating protocol;

a computer performs:
address translation and proxies for both of said first gateway and said second gateway, virtual address translation for both of said first gateway controller and said second gateway controller which results in a virtual gateway, wherein said virtual gateway performs virtual bearer messaging between said first media gateway controller and said second media gateway controller;

relaying of messages between said first media gateway controller and said first media gateway;

relaying different messages between said second media gateway controller and said second media gateway.

Appropriate correction is required.

Referring to claim 11, claim 11 is objected to because of usage of limitation "is provided as part of said computer" because "is provided as part of said computer" uses poor English to describe the processing.

The examiner suggests the following "The communication arrangement of claim 8 wherein said computer implements the functions of at least one of the first media gateway controller or the second media gateway controller."

Appropriate correction is required.

Referring to claim 12, claim 12 is objected to because of wording of the limitation "comprising a first media gateway controller controlling a first media gateway ….the method comprising: " Multiple usages of "comprising" in the claim language confuses the reader as to where the preamble ends and the claim limitations begin. The examiner suggests the following: A method comprising:

receiving a first set of messages between a first gateway controller and a second gateway controller then processing said first set of messages between said first gateway controller and said second gateway controller as a virtual gateway which results in providing virtual bearer messaging between said first media gateway controller and said second media gateway controller;

relaying messages between a first media gateway controller, a second media gateway controller, a first media gateway, and a second media gateway, wherein said messages between the first media gateway controller and the first media gateway use a first protocol, wherein said messages between the second media gateway and the second media gateway controller use second protocol wherein said second protocol is different protocol from said first protocol.

Appropriate correction is required.

Referring to claim 13, claim 13 is objected to because of of limitation “providing, in a computer, proxies of said media gateway; and said proxies in the computer communicating with respective one of said media gateway controller utilizing respective ones of different operating protocol wherein the media gateway controller are provided with corresponding address of the proxies rather than corresponding address of said media gateways” because applicant has provided a descriptive material describing process. Applicant has failed to failed to provide steps which result in a post processing solution also. Clearly "providing in a computer” is descriptive material of the state of being and fails to describe steps which lead to a post processing solution.
The examiner suggests either amending the claim to a system claim as follows or to amend the claim to have steps with a post processing solution. The examiner suggestion is as follows: A system comprising:
a plurality of media gateways;

a plurality of media gateway controllers;

a processor which performs a plurality of proxies between said plurality of media gateways and said plurality of media gateway controller wherein said plurality of media gateway controller are configured to forward messages to a proxy associated with a media gateways rather than an address associated with a media gateway which results in performing virtual bearer messaging between said plurality of media gateway controllers.

or amend the claim to have steps including a post processing solution if applicant desires for the claim to be written in the statutory class of process or method.

Appropriate correction is required.

Referring to claim 14, claim 14 is objected to because applicant again utilizes "comprising" multiple times which confuses the reader as to where the preamble ends and the claim limitations begin. Also the claim is objected to because "gateway address translators" according to applicant's specification is software. In order for the applicant claim to have proper structure associated with system "gateway address translator" needs to running on a processor. The examiner objects to “A communication network arrangement providing voice over IP or voice over ATM services, comprising: a plurality of media gateways and plurality of computers comprising respective media gateway controller configured to control the corresponding media gateways wherein said media gateway controller employ different operating protocols, wherein

plural pairs of the media gateway controllers and media gateways are provided where each of the pairs includes one corresponding media gateway controller and one corresponding media gateway, and wherein communication between said media gateway and media gateway controller in each of the pairs includes communication using a corresponding one of the different protocols, and

gateway address translator having proxies for respective ones of the media gateways wherein the media gateway controller are provided with corresponding address of the proxies rather than corresponding address of the media gateways" for the reasons stated above.

The examiner suggests changing the claim to a system claim and defining the function as suggested below as:

A communication network arrangement comprising:

a plurality of media gateways;

a plurality of media gateway controllers wherein each media gateway controller is configured to control a corresponding media gateway wherein said each media gateway controller employs a different operating protocol to intercommunicate with a corresponding media gateway of said plurality of media gateways wherein said media gateway controller and media gateway are paired and intercommunicate with the same operating protocol;

a plurality of computers wherein each computer performs gateway address translation between each paired media gateway and media gateway controller wherein each said computer is configured to forward a message to a proxy associated with said media gateway rather than an address corresponding to the media gateway which results in performing virtual bearer messaging between said plurality of media gateway controllers.

Appropriate correction is required.

Referring to claim 15, claim 15 is objected to because the wording is in the form of more than one statutory class of invention. Applicant claim begins with " Non-transitory machine readable storage medium" or article then describes "network arrangement" which is apparatus next "software performing" which is non-statutory" Finally what the examiner believes are claim limitations appear to be "functional descriptive material without providing a post processing solution. If the applicant wants to claim an article of manufacture to put the claim in the following form.

A non-transitory machine readable storage medium storing instruction which when executed by a computer perform the following:

receiving a first set of messages between a first gateway controller and a second gateway controller then processing said first set of messages between said first gateway controller and

said second gateway controller as a virtual gateway which results in providing virtual bearer messaging between said first media gateway controller and said second media gateway controller;

relaying messages between a first media gateway controller, a second media gateway controller, a first media gateway, and a second media gateway, wherein said messages between the first media gateway controller and the first media gateway use a first protocol, wherein said messages between the second media gateway and the second media gateway controller use second protocol wherein said second protocol is different protocol from said first protocol.

Claim Rejections - 35 USC § 103

3, The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent No.: 6,674,713) in view of Kamarczyk (U.S. Patent No.: 6,950,441)

Referring to claim 13, Berg teaches: a method of interfacing media gateway controller and media gateways having different operating protocol in a communication network arrangement (Figure 1A shows a MGC interfacing with a MG where the local address for interfacing is stored in a memory in both the MG and the MGC per col. 6 lines 30 to 39) providing voice over IP or voice over ATM services (VoIP or ATM per col. 5 line 59 to 67) the method comprising:

providing in a computer an address associated with the media gateway (The media gateway controller is a computer which has an address for the media gateway per col. 6 line 30 to 39)

Using the address to communicate with the respective one of media gateway controller utilizing respective one of different operating protocols (The MGC or computer utilizes local address used per col. 6 line 30 -39 while utilizing a respective operating protocol (protocol per col. 6 lines 1 to 10) where the MGC are provisioned with corresponding address of MG (local address per col. 6 line 29 to 39. The single media gateway controller can be divided into one or more media gateway controller and each media gateway controller can perform protocol translation per col. 4 lines 60-col. 5 line 20. Clearly if protocol translation is performed one protocol is on one side and is translated to another protocol on the other side or two different protocols)

Berg does not expressly call for: providing software proxies or provisioning of software proxy

Kacmarczyk teaches: providing software proxies (Gateway is implemented in softwitch or software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48) and provisioning software address of the proxies (Gateway is implemented in software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing software proxies or provisioning of software proxy of Kacmarczyk in place of provisioning address of Berg in order to build a system in which the proxying function is implemented in software so it can be easily updated and changed to incorporate network changes.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent

No.: 6,680,952) in view of Tran (U.S. Patent No.: 6,667,968)

Referring to claim 14, Berg teaches: a communication network arrangement (The combination of 110, 140, 120, 142 150, & 130 per Fig 1 or communication network arrangement) of providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) comprising: a plurality of media gateways and computer comprising respective media gateway controller (110 and 150 are performed by inherent processor per Fig 1 are a plurality of media gateways and 120 per Fig 1 can be implemented as multiple media gateway controllers per col. 5 lines 1-20) wherein the media gateway controllers have different operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or different protocol) and wherein communication between said media gateways and media gateway controllers are relayed whereby each pair of said media gateway and media gateway controller send and receive communication using one of the different operating protocols (communication between 110 and 150 per Fig 1 or media gateways is relayed through the media gateway controllers 120 per Fig 1 and the media gateway controller have a protocol converter or different operating protocols) and the media gateway controller are provisioned with corresponding address (120 per Fig 1 use inherent addresses)

Berg does not expressly call: proxy addresses rather than corresponding addresses

Tran teaches: proxy addresses rather than corresponding addresses (address translation for a plurality of end points per col. 6 lines 10 to 34.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add proxy addresses rather than corresponding addresses of Tran into the media gateways of Berg in order for the gateway to have a single interface and thereby forwarded data and signaling from the respective media gateway and media gateway controller.

Response to Amendment

6. Applicant's arguments with respect to claims 1-5 & 7-21 have been considered but are moot in view of the new ground(s) of rejection.

In order to be completely responsive to applicant argument the examiner has provided the following explanation.

The examiner respectfully disagrees with the applicant's argument that the combination of reference does not teach: providing in a computer proxies of said media gateway a and said proxies in the computer communicating with respective one of said media gateway controller utilizing respective ones of different operating protocol wherein the media gateway controller are provisioned with corresponding address of the proxies rather than corresponding address of said media gateways.

Berg teaches: a method of interfacing media gateway controller and media gateways having different operating protocol in a communication network arrangement (Figure 1A shows a MGC interfacing with a MG where the local address for interfacing is stored in a memory in both the MG and the MGC per col. 6 lines 30 to 39) providing voice over IP or voice over ATM services (VoIP or ATM per col. 5 line 59 to 67) the method comprising:

providing in a computer an address associated with the media gateway (The media gateway controller is a computer which has an address for the media gateway per col. 6 line 30 to 39)

Using the address to communicate with the respective one of media gateway controller utilizing respective one of different operating protocols (The MGC or computer utilizes local IP address used per col. 6 line 30 -39 while utilizing a respective operating protocol (protocol per col. 6 lines 1 to 10) where the MGC are provisioned with corresponding address of MG (local address per col. 6 line 29 to 39. The single media gateway controller can be divided into one or more media gateway controller and each media gateway controller can perform protocol translation per col. 4 lines 60-col. 5 line 20. Clearly if protocol translation is performed one protocol is on one side and is translated to another protocol on the other side or two different protocols)

Berg does not expressly call for: providing software proxies or provisioning of software proxy

Kacmarczyk teaches: providing software proxies (Gateway is implemented in softwitch or software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48) and provisioning software address of the proxies (Gateway is implemented in software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing software proxies or provisioning of software proxy of Kacmarczyk in place of provisioning address of Berg in order to build a system in which the proxying function is implemented in software so it can be easily updated and changed to incorporate network changes.

The examiner respectfully disagrees with the applicant argument that the combination of referenced do not teach" proxies of media gateways that communicate with respective media gateway controller using respective ones of different protocols

Berg teaches: proxies of media gateways that communicate with respective media gateway controller using respective ones of different protocols (Figure 1A shows a MGC interfacing with a MG where the local IP address for interfacing is stored in a memory in both the MG and the MGC per col. 6 lines 30 to 39) providing voice over IP or voice over ATM services (VoIP or ATM per col. 5 line 59 to 67 The media gateway controller is a computer which has an address for the media gateway per col. 6 line 30 to 39 The MGC or computer utilizes local IP address used per col. 6 line 30 -39 while utilizing a respective operating protocol (protocol per col. 6 lines 1 to 10) where the MGC are provisioned with corresponding address of MG (local address per col. 6 line 29 to 39. The single media gateway controller can be divided into one or more media gateway controller and each media gateway controller can perform protocol translation per col. 4 lines 60-col. 5 line 20. Clearly if protocol translation is performed one protocol is on one side and is translated to another protocol on the other side or two different protocols)

Applicant's argument state that "local address is unclear" Applicant needs to refer to col. 6 line 35 where "local address" is defined as "local IP address".

The examiner respectfully disagrees with the applicant's argument that Berg teaches away from "media gateway controllers are provisioned with corresponding address of proxies rather than corresponding address of media gateways". Applicant has burden to show a specific example of teaching in the Berg that states: media gateways cannot be provisioned with proxies they must be provisioned with addresses. The combination of reference teach the claim invention not the single reference. Applicant has failed the burden that the combination of references teach away.

The examiner respectfully disagrees with the applicant's argument that Kamarcyzk teaches away from "media gateway controllers are provisioned with corresponding address of proxies rather than corresponding address of media gateways". Applicant has burden to show a specific example of teaching in the Berg that states: media gateways cannot be provisioned with proxies they must be provisioned with addresses. The combination of reference teach the claim invention not the single reference. Applicant has failed the burden that the combination of references teach away.

The examiner respectfully disagrees with the applicant argument that there is no reasonable motivation to combine the two references.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing software proxies or provisioning of software proxy of Kacmarczyk in place of provisioning address of Berg in order to build a system in which the proxying function is implemented in software so it can be easily updated and changed to incorporate network changes.

The examiner respectfully disagrees with the applicant argument is relevant because the combination of references do not teach: "provisioning media gateway controllers with corresponding addresses of gateways, where communications between media gateways and media gateway controllers are relayed via proxies whereby each pair of the media gateway and media gateway controller sends and receives communication using a corresponding one of the different protocols" because "provisioning media gateway controllers with corresponding addresses of gateways, where communications between media gateways and media gateway controllers are relayed via proxies whereby each pair of the media gateway and media gateway controller sends and receives communication using a corresponding one of the different protocols" is not a claim limitations.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2475

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